IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION No.63 OF 2007

Pradeep S. Naiknavare. .. .. Petitioner
v/s.
The Education Officer (Secondary), ZP
Solapur & ors. .. .. Respondents

Mr.I.M. Khairdi for petitioner.

Mr.D.W.Bhosale for respondent Nos.2 & 3.

Mrs.M.P.Thakur, AGP for respondent Nos.1 & 4.

CORAM : SMT.RANJANA DESAI &

SMT.ROSHAN DALVI, JJ.

Dated : 3rd December 2007

P.C. :

1. Petitioner's case is that he was appointed in respondent No.3-school as Assistant Teacher on 28.6.1998. His services were terminated in October 2003. According to him, the Management has not paid the arrears of his salary for the period from June 1998 to October 2003.

2. The petitioner filed Writ Petition No.5158 of 2005 for order directing the respondents to pay arrears of his salary. This court, by its order dated 21.11.2005, recorded that from the documents on record, it becomes clear that the school was

recognized in June 2001 and 20% grant started in 2003 and, therefore, at the highest, the case of the petitioner can be considered from June 2001 till October 2003. This court gave directions to the Education Officer to hear the Management and the petitioner and record a finding whether the petitioner was working between June 2001 and October 2003. This court observed that if the Education Officer comes to a conclusion that the petitioner was, in fact, working and for the said work he was entitled to salary, the Education Officer should give appropriate directions to the respondents as regards payment to be made to the petitioner.

3. Accordingly, the Education Officer heard the parties. He calculated the period for which the petitioner had worked and held that for that period he is entitled to get Rs.52,596/-. By his order dated 11.8.2006, he issued a necessary direction for the payment of the said amount to the petitioner. The said order is challenged in this petition.

4. On 18.4.2007, this court issued notice to the respondents limited to the question of payment of Rs.52,596/- to the petitioner.

5. We have heard learned counsel for the petitioner and learned counsel for the respondents. Learned counsel for the petitioner contended that the petitioner is entitled to much larger amount and the Education Officer has calculated the amount on wrong basis.

6. In our opinion, it is not possible for us to deal with the disputed factual questions about the quantum of arrears. If the petitioner feels that he is entitled to something more than what the Education Officer has calculated, he may adopt appropriate remedy of a civil suit. Leaving all contentions raised in the petition related to the quantum of payment open, we dispose of this petition.

(SMT.RANJANA DESAI, J.)

(SMT.ROSHAN DALVI, J.)